

Crain (U.S. Pat. No. 1, 603,195). The rejection of these claims is traversed and reconsideration of the claims is respectfully requested in view of the following remarks.

The rejection of claims 1-11 and 15-28 under 35 U.S.C. § 103(a) as being unpatentable over the related art shown in Figure 1 in view of Hoven et al. is traversed and reconsideration is respectfully requested.

Independent claim 1 is allowable over the cited art in that claim 1 recites a combination of elements including, for example, “a mold frame having first and second end portions; lamp supporters at the first and second end portions of the mold frame; a lamp having first and second end portions, the lamp supporters receiving the lamp...; and a diffusion plate supporting member between the reflection sheet and the diffusion plate, wherein only a portion of the diffusion plate supporting member contacting the diffusion plate comprises an elastic material.” None of the cited references including the related art shown in Figure 1 or Hoven et al., singly or in combination, teaches or suggest at least these features of the claimed invention. Accordingly, Applicant respectfully submits that independent claim 1 and claims 2-26, which depend from claim 1, are allowable over the cited references.

Independent claim 27 is allowable over the cited art in that claim 27 recites a combination of elements including, for example, “coupling lamp supporters to the mold frame... receiving the lamp at the lamp supporters.” None of the cited references including the related art shown in Figure 1 or Hoven et al., singly or in combination, teaches or suggest at least these features of the claimed invention. Accordingly, Applicant respectfully submits that independent claim 27 is allowable over the cited references.

Independent claim 28 is allowable over the cited art in that claim 28 recites a combination of elements including, for example, "lamp supporters coupled to the mold frame; a lamp coupled to the lamp supporters; ...and a diffusion plate supporting member between the reflection sheet and the diffusion plate, the diffusion plate supporting member having an elastic material contacting the diffusion plate, the diffusion plate supporting member including: a first portion coupled to the mold frame at one side, the diffusion plate support member having sufficient rigidity to prevent the diffusion plate from dropping down; and a second portion coupled to one end of the first portion contacting the diffusion plate, the second portion having more elasticity than the first portion." None of the cited references including the related art shown in Figure 1 or Hoven et al., singly or in combination, teaches or suggest at least these features of the claimed invention. Accordingly, Applicant respectfully submits that independent claim 28 is allowable over the cited references.

The Examiner cites the related art shown in Figure 1 as disclosing "lamp supporters located a the first and second end portions of the mold frame, inherent; the lamp supporters receiving the lamps, inherent; the diffusion plate supporting members having an elastic material contact portion contacting the diffusion plate, page 4, lines 11 and 12 of the specification as filed; means for coupling the diffusion plate supporting member and the mold frame, inherent; means for immovably coupling the mold frame, inherent; a panel guide located opposite the mold frame with respect to the diffusion plate, Figure 1, reference number 6". Office Action at 2.

Applicant, however, respectfully submits the related art shown in Figure 1 of the specification as filed fails to teach or suggest at least the aforementioned combination of elements. For example, in stating "lamp supporters located a the first and second end

portions of the mold frame, inherent; the lamp supporters receiving the lamps, inherent... means for coupling the diffusion plate supporting member and the mold frame, inherent; means for immovably coupling the mold frame, inherent..." it appears that the Examiner tries to cure deficiencies of the related art shown in Figure 1 by relying on inherency. Applicant respectfully directs the Examiner to M.P.E.P. § 2112 disclosing "[t]he fact that a certain... characteristic may ...be present in the [related art shown in Figure 1] is not sufficient to establish the inherency of that ...characteristic" and "[i]n relying upon the theory of inherency, the Examiner must provide a basis in fact and/or technical reasoning to reasonably support the determination that the allegedly inherent characteristic necessarily flows from the teachings of the [related art shown in Figure 1]." Contrary to these teachings, the Examiner has provided no basis in fact or technical reasoning supporting the determination that at least the combination of elements recited above as recited in the aforementioned independent claims are inherent elements of the related art shown in Figure 1.

In the "Response to Arguments" section of the Office Action dated 12/19/02, the Examiner stated "[i]n response to the applicant's arguments regarding the lamp supporters the applicant is directed to page 3, lines 21 and 22, where the applicant admits that the [related art shown in Figure 1] includes a plurality of lamps. Such disclosed plurality of lamps would inherently require a support, as such plurality of lamps could not be place in space without it." Office Action at 8.

Despite the Examiner's argument, however, Applicant respectfully submits the inherency has not been sufficiently demonstrated at least with respect to the aforementioned combination of elements. To reiterate, claim 1 recites the combination of elements including, for example, "...lamp supporters at the first and second end portions of the mold frame; a

lamp having first and second end portions, the lamp supporters receiving the lamp...”; claim 27 recites the combination of elements including, for example, “...coupling lamp supporters to the mold frame; receiving the lamp at the lamp supporters...”; and claim 28 recites the combination of elements including, for example, “...lamp supporters coupled to the mold frame; a lamp couple to the lamp supporters...”

The Examiner states the related art shown in Figure 1 fails to show “...the support member being made out of metal; the contact portion including a cap having an insertion hole for receiving one end of the support portion; contact portion having a projection for preventing the contract portion from being detached from the support portion; the top portion of the support portion having a first conical shape and the bottom portion having a second conical shape; the second conical shape being smaller than the first conical shape; a cylindrical middle portion between the first and second portions; the support portion including a first hole; the mold frame including a second hole; a fastening element passing through the first and second hole for coupling the mold frame and the supporting member; and the fastening member being a screw” and cites Hoven et al. as disclosing “... a supporting member, Figure 1, reference number 12; the supporting member being made out of metal, column 1, lines 50-52; the supporting member having an elastic material contact portion, Figure 1, reference number 13; the contact portion being made of rubber, column 1, lines 57 and 58...” The Examiner concludes it would have been obvious “...to combine the teachings of [the related art shown in Figure 1] and [Hoven et al.] to obtain a support member with the rigidity to support the weight of the structure it is supporting, but also a contacting surface soft enough as to not create scratches or any other kind of surface damage to the surface it is in contact with, as per the teachings of [Hoven et al.]”

Applicant respectfully submits, however, that Hoven et al. is not available as a reference under 35 U.S.C. § 103 as Hoven et al. is nonalaogous prior art. Applicant respectfully directs the Examiner to M.P.E.P. § 2141.01(a) disclosing “In order to rely on a reference as a basis for rejection of an applicant’s invention, the reference must either be in the field of applicant’s endeavor or, if not, then be reasonably pertinent to the particular problem with which the inventor was concerned.” Accordingly, Applicant respectfully submits the field of endeavor in Hoven et al. “relates to furniture construction and more particularly to footed supporting legs for articles of furniture.” (see column 1, lines 15-17 of Hoven et al.) Further, Hoven et al. states at column 1, lines 18-29, “The primary objects of the invention are to provide... a means and a method for easily and economically assembling the foot to the leg and in such a manner that after then are assembled, removal of the foot from the leg is extremely difficult thus to prevent accidental removal or deliberate and surreptitious removal as sometimes occurs in schools; and to provide such a footed furniture leg which is economical in manufacture, durable in use, and attractive in appearance.” The Applicant’s field of endeavor, however, “relates to a liquid crystal display device, and more particularly, to a back light assembly for a liquid crystal display device.” (see page 2, lines 6-7 of the specification as filed) Accordingly, Applicant respectfully submits Hoven et al. is not in the field of Applicant’s endeavor.

Moreover, Applicant respectfully submits that Hoven et al. is not reasonably pertinent to the particular problem with which Applicant is concerned. For example, Applicant states “If an external impact or oscillation is applied to the liquid crystal display device, foreign materials or scratches occur on a contact area between the diffusion plate and the support due to friction between them. The foreign materials or scratches act on the display area leading to

poor image quality. In addition, since the support has a pointed end portion, the end portion may be broken or deformed due to such external impact. In this case, the support cannot prevent the diffusion plate from dropping down. To solve such a problem, the support may be of a soft material such as a rubber. In this case, however, the support cannot sufficiently support the diffusion plate due to reduced rigidity.” (see page 4, lines 4-13 of the specification as filed) Accordingly, Applicant respectfully submits Hoven et al. is not reasonably pertinent to the particular problem with which the Applicant is concerned because it has not been shown that a person of ordinary skill, seeking to solve the aforementioned problems, would reasonably be expected or motivated to look to footed supporting legs for articles of furniture.

In the “Response to Arguments” section of the Office Action dated 12/19/02, the Examiner admits the general disclosure of Hoven et al. refers to providing furniture legs and states “...it is also a fact that the cited reference is related to elongated, rigid support members having a longitudinal axis extending at an angle to the principle face of the support surface, as set forth by the definition of the class to which it pertains.” The Examiner then concludes one of ordinary skill in the art “...would have been drawn to the teachings of Hoven et al. in searching for ways to protect surfaces against rigid support members. In addition, ...the gist of the instant subject matter revolves about the support member, and is related to the art of LCD devices merely by virtue of its intended use.” Office Action at 8-9.

Contrary to the Examiner’s aforementioned assertions, Applicant respectfully submits that a definition of the class in which a reference is classified does not guarantee the presence of an analogous reference. To reiterate, M.P.E.P. §2141.01(a) requires that the reference relied upon as a basis for rejection of an applicant’s invention must either be in the field of

applicant's endeavor or, if not, then be reasonably pertinent to the particular problem with which the inventor was concerned. See also, *In re Deminski*, 796 F.2d 436, 230 USPQ 313 (Fed. Cir. 1986). In *Deminski*, it was held that the claimed invention and references are within the same field of endeavor if they have essentially the same structure and function.

Applicant respectfully submits the footed supporting leg is Hoven et al., after assembled, functions to deter accidental removal or deliberate and surreptitious removal of the foot from the leg and to provide a footed furniture leg which is economical in manufacture, durable in use, and attractive in appearance (see Hoven et al. at column 1, lines 15-29). However, as stated at page 5, lines 20-22 in the specification as filed, the diffusion plate supporting member of the present invention functions to "prevent the diffusion plate from dropping down due to its weight and/or high temperature, and to prevent foreign materials or scratches from occurring due to contact with the diffusion plate during external impact, and to absorb external impact." Therefore, Applicant respectfully submits one of ordinary skill in the art looking to prevent a diffusion plate in an LCD device from dropping due to its own weight and/or temperature and also looking to prevent foreign materials or scratches from occurring due to external impacts while also absorbing external impacts would not turn to the teachings of Hoven et al. in the hopes of finding a solution.

As mentioned above, the Examiner states the motivation of combining the related art shown in Figure 1 with Hoven et al. lies in the obviousness of obtaining "a support member with the rigidity to support the weight of the structure it is supporting, but also a contacting surface soft enough as to not create scratches or any other kind of surface damage to the surface it is in contact with, as per the teachings of [Hoven et al..]" Applicant respectfully submits, however, there is no teaching or suggestion in Hoven et al. that the contacting

surface (i.e., the surface of the “contact portion 13” contacting the floor) would not create “scratches or any other kind of surface damage” to the surface it contacts. Such motivation is, however, found in the Applicant’s invention and to use such motivation would necessitate considerable impermissible hindsight.. Accordingly, the combination of elements from non-analogous art, in a manner that reconstructs the Applicant’s invention only with the benefit of hindsight, is insufficient to present a *prima facie* case of obviousness.

Finally, and in response to the Examiner’s statement that “...the gist of the instant subject matter revolves about the support member, and is related to the art of LCD devices merely by virtue of its intended use” Applicant respectfully submits the following. Distilling an invention down to the “gist” or “thrust” of an invention disregards the requirement of analyzing the subject matter “as a whole”. Applicant respectfully submits that, in determining the differences between the cited references and the claims, the question under 35 U.S.C. § 103 is not whether the differences themselves would have been obvious, but whether the claimed invention as a whole would have been obvious. See M.P.E.P. § 2141.02.

The rejection of claims 12-14 under 35 U.S.C. § 103(a) as being unpatentable over the related art shown in Figure 1 in view of Hoven et al. and further in view of Bidwell et al. (U.S. Pat. No. 134,783), Hayes (U.S. Pat. No. 316,619), Lambert (U.S. Pat. No. 664,652), McGahan (U.S. Pat. No. 667,555), Craig (U.S. Pat. No. 977,710), and/or Crain (U.S. Pat. No. 1, 603,195) is traversed and reconsideration is respectfully requested.

Claims 12-14 include all of the limitations of claim 1, as discussed above, and the combination of related art shown in Figure 1 in view of Hoven et al. fails to teach or suggest at least these features of independent claim 1 as recited above. Similarly, Bidwell et al. (U.S. Pat. No. 134,783), Hayes (U.S. Pat. No. 316,619), Lambert (U.S. Pat. No. 664,652),

McGahan (U.S. Pat. No. 667,555), Craig (U.S. Pat. No. 977,710), and/or Crain (U.S. Pat. No. 1, 603,195) fails to cure the deficiencies of the related art shown in Figure 1 in view of Hoven et al. Accordingly, Applicant respectfully submits that the Examiner has not established a *prima facie* case of obviousness regarding claims 12-14 in view of claim 1, as above.

Applicants believe the application is in condition for allowance and early, favorable action is respectfully solicited. Should the Examiner deem that a telephone conference would further the prosecution of this application, the Examiner is invited to call the undersigned attorney at (202) 496-7500.

If these papers are not considered timely filed by the Patent and Trademark Office, then a petition is hereby made under 37 C.F.R. §1.136. Please credit any overpayment to deposit Account No. 50-0911.

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Respectfully submitted,

By \_\_\_\_\_

  
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